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10/820,132

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Jim Davies

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EXAMINER

NGUYEN, PHUNG HOANG JOSEPH

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/820,132	Applicant(s) DAVIES ET AL.	
	Examiner PHUNG-HOANG J. NGUYEN	Art Unit 4183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/8/04 and 8/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6, 9-10, 13-17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bhandari et al (U.S. Patent 6,891,940); Hereinafter Bhandari.

As to claim 1, Bhandari discloses a system for a remote user (i.e., calling party 20 of fig. 1) having access to a remote voice communication system (Abstract) at a first location to implement user-defined features in an integrated communications platform at a second location, comprising:

a personal assistant or PA (i.e., Personal Communication Manager or PCM; col. 2, lines 63) for implementing said user-defined features (i.e., communication services; col. 2, line 65) on said integrated communications platform (i.e., Intelligent Peripheral 40 of fig. 1); and

an Internet-enabled appliance (i.e., Web server 43 of fig. 1; col. 7, line 64) having a remote policy application or RPA (i.e., Authentication/Subscription Information or ASI server 42 of fig. 1) for communicating user authentication and location information (see figs. 5-7 for user identification and information) to said personal assistant or PA over the Internet (see fig. 1, label 44; also see fig. 10, label 808), in response to which said

personal assistant or PA establishes a voice connection (i.e., telephone call, col. 7, line 21) over the Public Switched Telephone Network or PSTN (fig. 1; col. 7, line 51) between said integrated communications platform (i.e., Intelligent Peripheral 40) and said remote voice communication system (i.e., an interactive voice response system or IVR 45 system, col. 4, line 60; also see Abstract) thereby enabling remote access to said user-defined features (i.e., communication services; col. 2, line 65).

As to claim 3, Bhandari discloses a remote user (i.e., calling party 20 of fig. 1) having Internet access (i.e., Internet 44 of fig. 1) via a remote policy application or RPA (ASI server 42 of fig. 1) and voice access (i.e., interactive voice response, col. 4, line 66; also see Abstract) via a remote voice communication system (i.e., an interactive voice response system or IVR 45 system, col. 4, line 60; also see Abstract) to implement user-defined features (i.e., communication services; col. 2, line 65) via a Personal Assistant or PA (PCM; col. 2, lines 63) in a local integrated communications platform (i.e., Intelligent Peripheral 40 of fig. 1), comprising:

communicating user authentication and location information (see figs. 5-7 for user identification and information on specific account number) from said remote policy application or RPA (ASI server 42 of fig. 1) to said personal assistant or PA (PCM; col. 2, lines 63) over the Internet (label 44 of fig. 1);

establishing a voice connection (i.e., telephone call, col. 7, line 21) over the Public Switched Telephone Network or PSTN (fig. 1) between said local integrated communications platform (i.e., Intelligent Peripheral 40) and said remote voice communication system (IVR 45 system, col. 4, line 60) and enabling said user-defined

features (i.e., communication services; col. 2, line 65) based on said user authentication and location information (see figs. 5-7 for user identification and information on specific account number).

As to claim 4, Bhandari discloses a graphical user interface (col. 6, line 11) for said remote user to enter (i.e., to identify selected service, col. 6, line 21-22) said user authentication and location information (see figs. 5-7 for user identification and information on specific account number).

As to claim 5, Bhandari discloses said establishing of said voice connection (i.e., telephone call, col. 7, line 21) over the Public Switched Telephone Network (fig. 1) further comprises said personal assistant or PA (PCM; col. 2, lines 63) sending a call request (see figs. 2 and 2A, authenticate request) over the Internet (label 44 of fig. 1) to said remote policy application or RPA (ASI server 42 of fig. 1), wherein said call request contains calling party identification information (i.e., caller identification information, col. 1, line 16; also see figs. 2 and 2A for User service information), and initiating a voice call (i.e., telephone call, col. 7, line 21) from said local integrated communications platform (i.e., Intelligent Peripheral 40 of fig. 1) to the remote voice communication system (IVR 45 system, col. 4, line 60) using said location information (see figs. 5-7 for user identification and information on specific account number).

As to claim 6, it is rejected for the same reason as stated above in claim 5.

Furthermore, Bhandari discloses dialing a public directory number (i.e., as he discusses the public network retrieves the caller ID information from the call logger database and sends the caller ID information to the client, col. 7, lines 11-13).

As to claim 9, Bhandari discloses said establishing of said voice connection (i.e., telephone call, col. 7, line 21) over the Public Switched Telephone Network further comprises said remote policy application or RPA (ASI server 42 of fig. 1) sending a call request (see figs. 2 and 2A, authenticate request) over the Internet to said personal assistant (PA), initiating a voice call (i.e., telephone call, col. 7, line 21) from said local integrated communications platform (i.e., Intelligent Peripheral 40 of fig. 1) to the remote voice communication system (IVR 45 system, col. 4, line 60) using said location information (see figs. 5-7 for user identification and information on specific account number), and upon call answer by said remote user transferring the call within said local integrated communications platform (i.e., Intelligent Peripheral 40 of fig. 1) to a directory number (DN) identified in said location information (see figs. 5-7 for user identification and information on specific account number).

As to claim 10, Bhandari discloses validating said user authentication information (i.e., at least the subscriber's name and a password, col. 9, lines 1-8) before establishing said voice connection (i.e., telephone call, col. 7, line 21).

Claims 11-12 (cancelled).

As to claim 13, Bhandari discloses establishing of said voice connection (i.e., telephone call, col. 7, line 21) over the Public Switched Telephone Network further comprises said personal assistant or PA (PCM; col. 2, lines 63) sending a call request (see figs. 2 and 2A, authenticate request) over the Internet (see fig. 1, label 44; also fig. 10, label 808) to said remote policy application or RPA (ASI server 42 of fig. 1), wherein said call request contains calling party identification information (i.e., caller identification

information, col. 1, line 16; also see figs. 2 and 2A for User service information), and initiating a voice call (i.e., telephone call, col. 7, line 21) from said local integrated communications platform (i.e., Intelligent Peripheral 40 of fig. 1) to the remote voice communication system (IVR 45 system, col. 4, line 60) using said location information (subscriber's location, col. 6, line 36).

As to claim 14, Bhandari discloses establishing of said voice connection (i.e., telephone call, col. 7, line 21) over the Public Switched Telephone Network further comprises said remote policy application or RPA (ASI server 42 of fig. 1) sending a call request (see figs. 2 and 2A, authenticate request) over the Internet to said personal assistant or PA (PCM; col. 2, lines 63), initiating a voice call (i.e., telephone call, col. 7, line 21) from said local integrated communications platform (i.e., Intelligent Peripheral 40 of fig. 1) to the remote voice communication system (IVR 45 system, col. 4, line 60) using said location information (subscriber's location, col. 6, line 36), and upon call answer by said remote user transferring (i.e., call forwarding by the PCM which shows it has the call forwarding capability that forwards calling party information in response to the telephone call; col. 11, line 25) the call within said local integrated communications platform (i.e., Intelligent Peripheral 40 of fig. 1) to a directory number (DN) identified in said location information.

As to claim 15, it is rejected for the same reason as stated in claim 10.

As to claim 16, it is rejected for the same reason as stated in claim 10.

As to claim 17, it is rejected for the same reason as stated in claim 10.

As to claim 20, it is rejected for the same reason as stated in claim 10.

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhandari in view of Polychronidis et al (US Pub 2003/0018704)

As to claim 2, Bhandari does not teach a first SIP Agent connected to said remote policy application or RPA and a second SIP Agent connected to said personal assistant or PA for effecting communication using SIP messages between said remote policy application (RPA) and said personal assistant (PA) over the Internet.

However, Polychronidis teaches a first SIP Agent (i.e., SIP NPL agent 91, par. 0078, line 10) connected to said remote policy application or RPA and a second SIP Agent (i.e., the SIP user agent (not shown) of the user's processing device 94, par.

0079, line 4) connected to said personal assistant or PA for effecting communication using SIP messages between said remote policy application (RPA) and said personal assistant (PA) over the Internet (see Figs. 9 – 10 and pars. 78-82 for the effecting communication using SIP message between two agents) for the purpose of providing a techniques for accessing presence and location information associated with processing devices on a network (par. 0001).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teaching of Polychronidis into Bhandari for the purpose of providing a variety of technique in locating the location information of the callers (par. 0019).

Claims 7 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Bhandari in view of Robinson et al (US Patent 5,533,102).

As to claim 7, Bhandari failed to disclose:

- a) an auto-attendant;
- b) upon call answer by said auto-attendant out-pulsing a directory number (DN) identified in said location information of a telephone for said remote user;
- c) connecting an automatic speech recognizer (ASR) for listening to detect a code word spoken by the remote user upon answering; and

d) upon detecting said code word providing a voice channel over said PSTN to provide service to the remote user.

Robinson however teaches:

a) an auto-attendant (i.e., the auto-attendant plays a prompt to the caller, and the caller optionally responds with a DTMF or voice command; col. 10, line 66- col. 11, line 3; also see fig. 2).

b) upon call answer by said auto-attendant out-pulsing (i.e., to notify the called party of incoming calls, including caller identification, and continue to notify the called party of the progress of the call through various states, col. 11, lines 47-49) a directory number (DN) identified in said location information of a telephone (see figs. 5-7 for user identification and information on specific account number) for said remote user;

c) connecting an automatic speech recognizer or ASR (i.e., automatic voice recognition, col. 8, line 48) for listening to detect a code word spoken (i.e., voice command, col. 11, line 3) by the remote user upon answering; and

d) upon detecting said code word providing a voice channel (i.e., communication channel, col. 4, line 44; col. 11, line 8) over said PSTN to provide service to the remote user for the purpose of providing a telephone user with information concerning a caller, and means for instructing an auto attendant how to handle the call (col. 1, lines 16-18).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teaching of Robinson into

Bhandari for the purpose of providing greater access and convenience for the callers as well as the receivers that a call is handled properly.

As to claim 18, it is rejected for the same reason as stated in claim 9.

Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhandari in view of Robinson et al (US Patent 5,533,102) and furthermore in view of Miner et al (PS Pat 5,652,789).

As to claim 8, Bhandari discloses said initiating of said voice call (i.e., telephone call, col. 7, line 21) from said local integrated communications platform (i.e., Intelligent Peripheral 40 of fig. 1) to the remote voice communication system (IVR 45 system, col. 4, line 60) using said location information (see figs. 5-7 for user identification and information on specific account number) further comprises:

dialing (i.e., to notify the called party of incoming calls, including caller identification, and continue to notify the called party of the progress of the call through various states, col. 11, lines 47-49) a contact number identified in said location information (see figs. 5-7 for user identification and information on specific account number) for an attendant at the remote voice communication system (IVR 45 system, col. 4, line 60);

Bhandari fails to teach:

connecting an automatic speech recognizer or ASR for listening to detect a code word spoken by the remote user upon answering; and

upon detecting said code word providing a voice channel over said PSTN to provide service to the remote user.

However, Robinson teaches:

connecting an automatic speech recognizer or ASR (i.e., automatic voice recognition, col. 8, line 48) in said local integrated communications platform (i.e., Intelligent Peripheral 40 of fig. 1) for listening to detect a code word (i.e., voice command, col. 11, line 3) spoken by the remote user upon answering; and

upon detecting said code word (i.e., voice command, col. 11, line 3) providing a voice channel over said PSTN to provide service to the remote user for the purpose of providing a greater and more flexible way to access a call via voice recognition

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teaching of Robinson into Bhandari for the purpose of providing greater access and convenience for the callers. An example of this is if a caller is driving, it would be very hard and dangerous to look at the phone and dial a number or a code. It is rather safe to have voice recognition feature as part of making a call. This also provides a high marketable value for the service providers.

However, Bhandari and Robinson failed to explicitly disclose:

detecting at said local integrated communication platform the end of an audible ringing signal indicative of call answer by said attendant; detecting at said local integrated communication platform a further audible ringing signal indicative of the call being placed to said telephone by said attendant;

However, it is obvious to the skilled artisans in the art that the personal assistant will continue to coordinate the connection between the caller and the called with various methods, (i.e., audible ringing or some form of reminder). Once the connection is made, it will end the audible ringing for the purpose of resource and bandwidth savings. Likewise it is also obvious to the skilled artisans in the art that the personal assistant once has coordinated the connection between two parties, will provide the caller an indication that the call is being placed to the said telephone for the purpose of keeping the caller informed of every steps leading to the call answer/connection.

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the idea of resource, bandwidth saving by ending the audible ring once the connection is made and to avoid a great deal of annoyance if the audible keeps ringing.

Bhandari and Robinson failed to explicitly disclose:

repetitively playing a voice announcement indicating a desire to be connected to a telephone identified in said location information for said remote user;

Miner teaches:

repetitively playing a voice announcement (i.e., reminders, col. 2, line 23; also see Fig. 2 and pars. 0009 - 0012 for details on how the personal assistant or electronic assistant can schedule and manage reminders for its subscriber. When reminders come due, the electronic assistant notifies the subscriber; see FIG. 31 for the reminder task loop indicating that the action is repeated) indicating a desire to be connected to a telephone identified in said location information for said remote user for the purpose of

persistently reminding the subscriber that there is a call on hold for in waiting for him unless he decides not to receive it.

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teaching of Miner into the teaching of Bhandari and Robinson for the purpose of providing greater access and convenience in accessing a phone via voice recognition, eliminating the annoyance of unnecessary audible ring once the conversation is live, and ensuring that the subscriber is aware by receiving some form of reminder (i.e., audible ringing) that someone is on hold and wishes to speak with him

As to claim 19, it is rejected for the same reason as stated in claim 9.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 7:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571 272 1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Date: Feb. 13, 2008

/Phung-Hoang J Nguyen/
Examiner, Art Unit 4183

/Len Tran/
Supervisory Patent Examiner, Art Unit 4183